

## NOTICE OF VIOLATION

Westinghouse Electric Company, L.L.C.  
Columbia, SC

Docket No. 70-1151  
License No. SNM-1107

During an NRC inspection on July 12 through 16 and August 2 through 6, 2004, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

Safety Condition No. S-1 of Special Nuclear Material License No. 1107 requires that material be used in accordance with the statements, representations, and conditions in the license application dated April 30, 1995, and supplements thereto.

1. Section 3.4.1 of the license application requires that operations to assure safe, compliant activities involving nuclear material be conducted in accordance with approved procedures.

Contrary to the above, the licensee failed to comply with written procedures as described in the following examples:

- a. Section 4.1.B of licensee procedure RA-302, "Criticality Signs," Rev. 11, dated June 23, 2003, requires compliance with criticality control parameters and instructions on criticality signs.

Criticality sign IFBA08, Rev. 0, requires, in part, that IFBA rods in rod channels be limited to a height of 4.5 inches.

Contrary to the above, on July 14, 2004, the licensee failed to comply with the criticality control parameters and instructions posted on IFBA rod channels. Specifically, the stack height of IFBA rods in a rod channel exceeded the 4.5-inch stack height limit.

Criticality sign GEN06, Rev. 0, requires, in part, that mop buckets be limited to a maximum of 5 gallons.

Contrary to the above, on July 14, 2004, the licensee failed to limit mop buckets to a maximum of 5 gallons.

Criticality sign GEN06, Rev. 0, requires, in part, that process or off-stream material not be drained into mop buckets.

Contrary to the above, on July 12, 2004, the licensee failed to control the draining of process or off-stream material into a mop bucket located in the Erbia process area.

- b. Section 6.2.1 of licensee procedure RA-301 requires at least 12-inch edge-to-edge spacing between floor stored containers and pipes.

Contrary to the above, on July 12, 2004, the licensee failed to maintain the required 12-inch edge-to-edge spacing between a mop bucket and process piping in the Erbia process area.

This is a Severity Level IV violation (Supplement VI)

- 2. Section 6.1.1 of the License Application states, in part, that criticality safety analyses and evaluations are utilized to identify the specific limits and controls necessary for the safe and effective operation of a process.

Contrary to the above, the licensee failed to identify the specific limits and controls in a criticality safety analysis (CSA) as described in the following examples:

The specific limits and controls in place for mop buckets were not identified in a CSA.

The specific limits and controls for the ammonium bifluoride (ABF) ash processing furnace were not identified in a CSA.

The specific limits and controls for cream cans used to collect solution when inside in plastic bags were not identified in a CSA.

The specific limits and controls for the 55-gallon drum (Cylinder Recertification Knockout Pot) were not identified in a CSA.

This is a Severity Level IV violation (Supplement VI)

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and the Chief, Technical Support Group, Division of Fuel Cycle Safety and Safeguards, NMSS, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other actions as may be proper should not be taken. Where good cause is shown, consideration will

be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room (PDR), or from the NRC's document system (ADAMS), accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld, and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated at Rockville, Maryland

this \_\_\_\_ day of October 2004